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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 LILLY LE NGUYEN, as Special  
10 Administrator of the Estate of PHILLIP  
11 NGUYEN, Deceased,

12 Plaintiff(s),

13 vs.

14 STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, et al.,

15 Defendant(s).  
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Case No. 2:17-cv-01773-APG-NJK

ORDER

(Docket No. 10)

17 Pending before the Court is the parties' stipulation to stay discovery pending resolution of  
18 Defendant's motion to dismiss. Docket No. 10; *see also* Docket No. 8 (motion to dismiss).

19 The case law in this District makes clear that requests to stay all discovery may be granted when:  
20 (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided  
21 without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the  
22 potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief.  
23 *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).<sup>1</sup> The Court finds that each  
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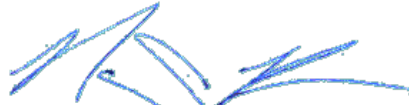
26 <sup>1</sup> Conducting the preliminary peek puts the undersigned in an awkward position because the assigned  
27 district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay,*  
28 *LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). The undersigned's "preliminary peek" at the merits  
of that motion is not intended to prejudice its outcome. *See id.*

1 of these requirements has been met here. Therefore, the Court concludes that discovery should be stayed  
2 pending resolution of the motion to dismiss.

3 For the reasons outlined above, the parties' stipulation to stay discovery is **GRANTED**. Docket  
4 No. 10. To the extent the motion to dismiss is not granted in full, the parties shall conduct a Fed. R. Civ.  
5 P. 26(f) conference and file a joint proposed discovery plan within 14 days of the issuance of the order  
6 resolving the motion to dismiss.

7 IT IS SO ORDERED.

8 DATED: September 7, 2017



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10 NANCY J. KOPPE  
United States Magistrate Judge